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February 16, 2011

Via ECF

Hon. Stanley R. Chesler, U.S.D.J.
District of New Jersey
Martin Luther King, Jr. Federal Building & U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

Re: Renaissance Carpet and Tapestries, Inc. v. S&H Rugs et ano.
Civil Action No. 09 -CV- 00632 (SRC-MAS)

Dear Judge Chesler:

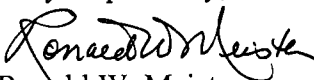
This firm represents plaintiff in the above-entitled matter, in which plaintiff has moved to exclude the testimony of defendants' putative expert. That motion, originally returnable on February 22, was adjourned at defendants' request to March 7, with defendants' responsive papers due February 16. I received very late yesterday afternoon the letter of defendants' counsel asking for a further adjournment of the motion date to April 4, and attaching a letter expressing defendants' views regarding Federal Rule 11.

In requesting a further month's adjournment, defendants do not mention (as required by Local Civil Rule 6.1(3)) that they have obtained an adjournment already, or that they have had plaintiff's motion since January 28. Nor have they at any time sought plaintiff's consent to a second adjournment.

Moreover, defendants' filing their Rule 11 notice, ostensibly "for the Court's convenience," is highly improper, and violates F.R.C.P. 11(c)(2), which states that a motion for sanctions "must not be filed or presented to the court" before the adverse party has 21 days to respond. They thereby prejudicially spread on the record contentions that by the Rule are not intended to be delivered to the Court.

Plaintiff is confident that its motion is proper and meritorious, and suggests that defendants' filing of its letter is itself improper, and should not be the basis for a further adjournment of the motion, or of the already adjourned due date for defendants' papers.

Very respectfully,


Ronald W. Meister

cc: Jay R. McDaniel, Esq. (via ECF and e-mail)